

3. Ncert Textbook Criticism of Judiciary - Polity

The National Council of Educational Research and Training (NCERT) is redesigning school textbooks to align with the National Education Policy 2020 (NEP 2020). Recently, the Supreme Court of India intervened over sensitive content in a Class 8 textbook, sparking debate on academic freedom vs dignity of constitutional institutions. The Supreme Court recently initiated suo motu proceedings against a Class 8 textbook chapter that allegedly portrayed the Indian judiciary as corrupt. The Court imposed a blanket ban on the publication and ordered the recall of copies, arguing that the content undermined public trust in the judiciary. The case has triggered an intense debate about the balance between judicial dignity and freedom of expression in a democratic society.

1. Background of the Issue

A. Sua Motu Intervention by the Supreme Court

1. The Supreme Court initiated proceedings on its own motion (suo motu) after senior advocates raised concerns about a textbook chapter criticizing judicial corruption.
2. The Court imposed a complete blanket ban on the publication and ordered the removal of both physical and digital copies.
3. The judiciary argued that the chapter contained distorted narratives that could erode public faith in courts.

B. Judicial Concern- The "Bleeding Judiciary" Metaphor

1. The Chief Justice used the phrase "the judiciary is bleeding today" to highlight the seriousness of the issue.
2. The Court interpreted the chapter as a deliberate attempt to delegitimize the judiciary among young students.
3. According to the Court, such narratives could undermine the authority of the constitutional system.

C. Actions Ordered by the Supreme Court

1. Credential Verification
 1. The Court directed authorities to provide a list of authors and experts involved in textbook preparation.
 2. The objective was to verify whether individuals writing about the judiciary had adequate legal expertise.
2. Legal Accountability
 1. The Court issued show cause notices for contempt of court to education officials responsible for approving the content.
 2. Officials could face punishment if the Court determines that the publication lowered the dignity of the judiciary.
3. Immediate Enforcement Measures
 1. The Court ordered a nationwide recall and seizure of textbooks.
 2. Both printed copies and digital versions were required to be withdrawn.

D. Government Response

1. The Union Education Ministry launched an inquiry into the textbook approval process.
2. The Solicitor General issued an unconditional apology to the Court on behalf of the Ministry.

2. Why the Supreme Court Intervened

A. Concern Over Bias and Selective Criticism

1. The Court observed that the chapter focused only on corruption in the judiciary.
2. It did not highlight similar issues in executive institutions or police systems.
3. This selective portrayal was viewed as creating a distorted and biased understanding.

B. Ignoring Judicial Achievements

1. The Court stated that the textbook ignored 75 years of judicial contributions, including–
 1. Protection of Fundamental Rights
 2. Strengthening constitutional governance
 3. Upholding the rule of law.

C. Age Appropriateness of the Content

1. The Court noted that Class 8 students (around 13 years old) may lack the maturity to differentiate between–
 1. Individual corruption cases
 2. Systemic functioning of the judiciary.
2. Teaching only negative aspects might lead to a loss of trust in legal institutions.

3. Constitutional and Legal Dimensions

A. Article 129 – Supreme Court as a Court of Record

1. Article 129 empowers the Supreme Court to punish for contempt of court.
2. “Scandalizing the court” is considered a form of criminal contempt if it undermines public confidence in the judiciary.

B. Article 19(1)(a) – Freedom of Speech

1. Freedom of expression is a fundamental right.
2. However, it is subject to reasonable restrictions under Article 19(2).
3. Relevant grounds include–
 1. Contempt of court
 2. Defamation
 3. Public order
 4. Sovereignty and integrity of India.

4. Key Judicial Precedents on Free Speech

A. Shreya Singhal v. Union of India (2015)

1. The Supreme Court struck down Section 66A of the Information Technology Act.
2. The Court held that vague restrictions on speech violate Article 19(1)(a).
3. Any restriction must strictly fall within Article 19(2).

B. S. Rangarajan v. P. Jagjivan Ram (1989)

1. The Court ruled that freedom of expression cannot be suppressed merely because some people find it uncomfortable.
2. Open debate and criticism are essential for democratic functioning.

C. Veeraswami Case (1991)

1. The Court held that no FIR can be registered against a sitting High Court or Supreme Court judge without prior approval of the Chief Justice of India.
2. This creates a higher threshold for investigating judicial misconduct.

D. Kesavananda Bharati Case (1973)

1. The judgment established the Basic Structure Doctrine.

2. Judicial independence was declared a core feature of the Constitution.
3. The Court argued that attempts to delegitimize the judiciary could threaten this basic structure.

5. Criticism of the Supreme Court's Approach

A. Allegations of Judicial Overreach

1. Critics argue that the blanket ban and seizure of textbooks constitute prior restraint on speech.
2. The action is viewed as violating the Doctrine of Proportionality, which requires restrictions on rights to be minimal and necessary.

B. Suppression of Legitimate Discourse

1. Critics point out that judicial corruption has already been discussed in public reports, including-
 1. Law Commission reports
 2. Transparency International studies.
2. Banning discussion may silence legitimate democratic debate.

C. Impact on Academic Freedom

1. The Court's demand for the names and credentials of textbook writers may intimidate scholars.
2. Academics may hesitate to participate in educational projects due to fear of legal liability.

D. The "Chilling Effect" on Education

1. The threat of legal action may lead to self-censorship among writers and educators.
2. This could weaken critical thinking in school curricula.

E. Infantilization of Students

1. Many educators argue that middle-school students can understand institutional challenges.
2. Teaching both strengths and weaknesses of institutions promotes informed citizenship.

6. Understanding Judicial Corruption in India

A. Definition

1. Judicial corruption refers to the misuse of judicial authority for personal gain, including-
 1. Bribery
 2. Nepotism
 3. Political pressure.

B. Forms of Judicial Corruption

1. Adjudicatory Corruption
 1. Decisions influenced by bribes or external pressure rather than legal reasoning.
2. Administrative Corruption
 1. Manipulation of court procedures such as-
 1. Case scheduling
 2. Record tampering.
3. Bench Hunting
 1. Lawyers or court staff manipulate the registry to send cases to specific "friendly" judges.

C. Structural Causes of Judicial Corruption

1. Collegium System Criticism
 1. Lack of transparent criteria in judicial appointments.
 2. Allegations of favoritism and internal lobbying.
2. Post-Retirement Benefits
 1. Judges sometimes accept positions in tribunals or commissions after retirement.

2. This raises concerns about possible quid-pro-quo arrangements.
3. "Uncle Judge Syndrome"
 1. Relatives of judges practicing in the same courts can create networks of favoritism.

7. Accountability Mechanisms in the Judiciary

A. Internal Systems

1. Collegium System
 1. Responsible for appointment and transfer of judges.
 2. Consists of the Chief Justice of India and senior judges.
2. In-House Mechanism (1997)
 1. Internal inquiry system to examine complaints against judges.
 2. Critics argue that it lacks transparency and external oversight.

B. External Oversight

1. Impeachment Process
 1. Under Articles 124 and 217, judges can be removed for proven misbehavior or incapacity.
 2. Requires a special majority in Parliament.
2. However, impeachment has rarely succeeded.

C. Institutional Mechanisms Against Corruption

1. Prevention of Corruption Act, 1988
 1. Criminalizes bribery and corruption by public servants.
2. Lokpal and Lokayuktas Act, 2013
 1. Investigates corruption among political executives and bureaucrats.
 2. Judges are excluded from its jurisdiction.
3. Central Vigilance Commission (CVC)
 1. Supervises vigilance administration in government institutions.

8. Consequences of Judicial Corruption

A. Erosion of Rule of Law

1. Citizens lose faith in courts when justice appears influenced by power or wealth.

B. Social Inequality

1. Marginalized communities suffer most because they cannot afford to "buy" justice.

C. Economic Impact

1. Weak judicial integrity discourages foreign investment due to uncertainty in dispute resolution.

D. Judicial Backlog

1. As of March 2026, more than 5.2 crore cases remain pending in Indian courts.

9. International Practices to Address Judicial Corruption

A. United States

1. Judicial conduct is investigated by Judicial Councils in federal circuits.

B. United Kingdom

1. The Judicial Appointments Commission ensures transparent merit-based appointments.

C. Australia

1. The Judicial Commission of New South Wales investigates complaints against judges.

D. Singapore

1. Strict codes of conduct and financial disclosure requirements are enforced.

10. Proposed Reforms

A. Reforming the Appointment System

1. Reviving a modified NJAC-like structure to balance judicial independence with transparency.

B. Implementing All India Judicial Services (AIJS)

1. Standardized recruitment could reduce nepotism in the subordinate judiciary.

C. Cooling-Off Period for Judges

1. A mandatory two-year gap before accepting post-retirement appointments.

D. Judicial Ethics Commission

1. Establishing an independent body to investigate complaints against judges.

E. Asset Disclosure

1. Annual public declaration of judges' assets.

F. Technological Solutions

1. AI-based case allocation under e-Courts Phase III to prevent registry manipulation.

G. Reforming Contempt Laws

1. Clarifying the definition of contempt to prevent misuse against legitimate criticism.

11. Way Forward- Balancing Dignity and Transparency

1. Judicial dignity must coexist with democratic accountability.
2. Education should present a balanced narrative highlighting both-
 1. Judicial achievements
 2. Ongoing institutional challenges.
3. Constructive criticism strengthens institutions rather than weakening them.

12. Conclusion

1. The controversy surrounding the banned textbook chapter reflects a deeper constitutional tension between institutional dignity and democratic transparency.
2. Protecting public faith in the judiciary is important, but democratic institutions must remain open to reasoned criticism and academic scrutiny.
3. A balanced approach combining judicial accountability, academic freedom, and responsible educational content is necessary to strengthen constitutional governance and public trust in India's justice system.

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